UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,371	02/19/2002	Stuart Todd Rader	06502.0061-01	2760

22852　　7590　　10/06/2005		EXAMINER
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP		BLENMAN, AVALON
901 NEW YORK AVENUE, NW		

ART UNIT	PAPER NUMBER
2153	

WASHINGTON, DC 20001-4413

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/076,371	RADER, STUART TODD
	Examiner	Art Unit	
	Avalon Blenman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 February 2002*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-27* is/are rejected.

7)☒ Claim(s) *2-4* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is a <u>first action</u> on the merits of this application and is made

NON-FINAL. Claims 2-27 are currently pending, of which 5, 9, 13, 17, 20, 23, & 26 are

independent claims. Claim 1 has been cancelled and claims 17-28 added in a

preliminary amendment.

Response to Amendment

2.   Examiner acknowledges preliminary amendment submitted 02/19/2002,

canceling claim1 and adding claims 17-28. These amendments have been entered.

Priority

3.   Acknowledgment is made of applicant's claim to parent Application

No.09/090,414 (US 6,370,581) filed on 06/04/1998. As such, the effective filing date for

the subject matter defined in the pending claims is June 4th, 1998.

Information Disclosure Statement

4.   The formation disclosure statement (IDS) submitted has been entered and is

being considered by the examiner.

Claim Objections

5.   Claims **2-4** are objected to as being of improper dependent form for being

dependent on a cancelled claim. Applicant is required to cancel the claim(s), or amend

the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in

independent form.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7.   Claim **9** is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter ("computer program product").

8.   Computer programs or computer program products are not physical "things."

They are neither computer components nor statutory processes, as they are not "acts"

being performed. Such claimed computer programs do not define any structural and

functional interrelationships between the computer program and other claimed elements

of a computer which permit the computer program's functionality to be realized. In

contrast, a claimed computer-readable medium encoded with a computer program is a

computer element which defines structural and functional interrelationships between the

computer program and the rest of the computer which permit the computer program's

functionality to be realized, and is thus statutory. Appropriate correction is required.

This claim will be treated as best understood by examiner.

Claim Rejections - 35 USC § 102

9.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10.   Claims **1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Cheng**

et al. (US 5,963,155), hereinafter Cheng.

11.   In considering claims **2, 6, 10, & 14,** Cheng discloses:

-   converting each fixed-length character into a multibyte character [col. 3, lines 12-

    25, col. 4, lines 37-40]; and

-   determining a length ("total number of octets") corresponding to the multibyte

    characters [col. 5, lines 30-32].

12.   In considering claims **3, 7, 11, & 15,** Cheng discloses:

-   determining a length of the string of multibyte characters by converting the string

    to UTF-8 encoding format [col. 6, lines 16-20].

13.   In considering claims **4, 8, 12, & 16,** Cheng discloses:

-   converting each fixed-length character into a multibyte character [col. 3, lines 12-

    25, col. 4, lines 37-40]; and

- transmitting the length and the multibyte characters [fig. 1, I-string arrow, col. 3, lines 38-41].

14. In considering independent claims **5, 9, & 13**, Cheng discloses an apparatus for transmitting data in a network between a client and a server, comprising:

- a receiver (fig. 1, #24, stage 24) configured to receive a set of fixed-length characters [col. 3, lines 12-26];

- a converter (fig. 1, #24, stage 24) configured to convert each fixed-length character into a multibyte character to determine a length ("total number of octets") corresponding to the multibyte characters [col. 4, lines 38-40, col. 5, lines 16-19, 30-32]; and

- transmitter (fig. 1, #24, stage 24) configured to transmit the length and the multibyte characters [fig. 1, I8-string arrow, col. 3, lines 38-41].

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

16. Claims **17, 18, 20, 24, 27, & 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng**, further in view of **Edberg et al. (US 5,682,158)**, hereinafter Edberg.

17.   In considering independent claims **17, 20, & 26**, Cheng discloses a method for

transmitting messages in a multi-node network, comprising:

- converting the fixed-byte format message into a multibyte format message with

    any characters represented by one or more bytes depending on the character

    [col. 13, lines 12-26];

- obtaining an actual length ("total number of octets") of the multibyte format

    message [col. 5, lines 30-32]; and

- transmitting information reflecting the actual length of the multibyte format

    message with the multibyte format message to a network node [fig. 1, I8-string

    arrow, col. 3, lines 38-41].

While Cheng discloses these features, Cheng does not explicitly disclose storing

the fixed-byte formatted message. Nonetheless, in analogous art, Edberg discloses a

system for converting a fixed-byte format message into a multibyte format message

[fig.1, col. 7, lines 30-40]. Edberg further discloses:

- storing a fixed-byte format message with any characters represented by a fixed

    number of bytes [fig. 4, #405, col. 7, liens 41-46].

Given the teachings of Edberg, at the time of the invention, it would have been

obvious to one of ordinary skill in the art to modify the system/method disclosed by

Cheng to store a fixed-byte formation message. The motivation as suggested by

Edberg, allows all the blocks of data to be received and collected over the network prior

to the conversion (i.e. avoiding any conversion errors) [col. 3, lines 15-20].

18.   In considering claims **18, 24, & 27**, Cheng discloses:

- translating each character in the fixed-byte format message according to an UTF-

     8 encoding format [col. 6, lines 16-20].

19.   In considering claims **19, 25, & 28**, while Cheng discloses packaging information

reflecting the actual length of the multibyte format message with the message, Cheng

does not explicitly disclose packaging the length and the message in a HTTP request.

Cheng teaches sending information representing a variety of characters over the

Internet [col. 1, col. 16-25]. Transmission of Unicode ("source string") over the Internet

is also taught by Edberg [col. 3, lines 49-55, col. 7, lines 30-40]. At the time of the

invention, HTTP was a well-known protocol for transmitting requests and responses

over the Internet.

20.   In considering independent claim **23**, Cheng discloses an apparatus for

transmitting messages in a multi-node network, the apparatus comprising:

- a processor (fig. 1, #24, stage 24) configured to convert the fixed-byte format

     message into a multibyte format message with any characters represented by

     one or more bytes depending on the character, and to obtain an actual length of

     the multibyte format message [col. 4, lines 38-40, col. 5, lines 16-19, 30-32]; and

- a transmitter (fig. 1, #24, stage 24) configured to transmit information reflecting the actual length of the multibyte format message with the multibyte format message to a network node [fig. 1, I8-string arrow, col. 3, lines 38-41].

Cheng does not explicitly disclose a memory to store the fixed-byte message. Nonetheless, as disclosed above in reference to claim 17, this feature is taught by Edberg [fig. 4, #405, col. 7, liens 41-46].

Conclusion

21.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avalon Blenman whose telephone number is (571) 272-5864. The examiner can normally be reached on Mon-Fri, 7:00 AM - 4:30 PM (even date Mons. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Avalon Blenman
Art Unit 2153
09/21/2005

Dung C. Dinh
Primary Examiner